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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Jack C. Wybenga et al.
Serial No. : 10/826,668
Filed : April 16, 2004
For : APPARATUS AND METHOD FOR PERFORMING
SECURITY AND CLASSIFICATION IN A
MULTIPROCESSOR ROUTER
Group No. : 2467
Examiner : Robert C. Scheibel
Confirmation No. : 9601

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
DETERMINATION UNDER 37 C.F.R. § 1.705(b)

The Applicant respectfully requests that the Office reconsider the patent term adjustment determination for the above-identified patent application. In support, the Applicant notes the following:

1. In the Notice of Allowance dated April 19, 2010, the patent term adjustment was determined to be 851 days.

2. The Applicant believes the correct patent term adjustment should be calculated as 1,168 days.

3. This patent application was filed on April 16, 2004.
4. The first Office Action was mailed on November 21, 2007, which is 888 days after fourteen months from the filing date (+888 days).
5. The Applicant's response to the November 21, 2007 Office Action was received on March 26, 2008, resulting in a deduction of 34 days (-34 days).
6. The three-year mark after filing is April 16, 2007. The Applicant filed a request for continued examination on October 3, 2008. As a result, the Applicant is entitled to a maximum additional adjustment of 536 days for the time between April 16, 2007 and October 3, 2008 to the extent that period does not overlap with other delays.
7. The 536-day period identified in Section 6 above overlaps with the 888-day period identified in Section 4 above for the time between April 16, 2007 and November 21, 2007. This reduces the 536-day period by 219 days, resulting in an additional extension of 317 days (+317 days).
8. The Applicant's response to the May 14, 2009 Office Action was received on August 17, 2009, resulting in a deduction of 3 days (-3 days).
9. The Applicant therefore believes the correct patent term adjustment should be calculated as 1,168 days (888 days - 34 days + 317 days - 3 days).
10. In the event the Applicant's calculation is incorrect and the Applicant is entitled to a patent term adjustment greater than 1,168 days, the Applicant respectfully requests the Office to determine and issue the proper patent term adjustment entitled to the Applicant.

Therefore, the Applicant respectfully requests that the Office reconsider the

determination of patent term adjustment and find that the Applicant is entitled to a patent term adjustment in the amount of 1,168 days.

If any issues arise, the Applicant respectfully invites the Office to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Applicant has included the appropriate fee for this petition. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: July 19, 2010

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